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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,024	07/09/2003	Barry S. Boggess	22823.00	8724
37833	7590	11/29/2004		
LITMAN LAW OFFICES, LTD. P.O. BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			EXAMINER BALSIS, SHAY L	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

<i>(initials)</i>	Application No.	Applicant(s)
	10/615,024	BOGESS, BARRY S.
	Examiner Shay L Balsis	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 July 2003.  
2a) This action is FINAL.      2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-16 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 09 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/9/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-16, drawn to an apparatus, classified in class 15, subclass 103.
- II. Claims 17-19, drawn to a method of cleaning, classified in class 134, subclass to be determined.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the method does not require the squeegee head to have a cleaning fluid delivery tube.

Additionally, the squeegee in the method does not require a timer and money-receiving means.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Torrence Dolph on 11/9/04 a provisional election was made with traverse to prosecute the invention of group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Objections***

Claims 5-13 are objected to because of the following informalities: Claim 5, lines 3-4 applicant states "a means for supplying cleaning fluid, wherein the means for supplying cleaning fluid;". Examiner is confused by this limitation. It appears to be an incomplete sentence and does not make sense; "wherein the means for supplying cleaning fluid" does what? Please clarify. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols (USPN 1712579) in view of Burr et al. (USPN 6122367).

Nichols teaches a reciprocating squeegee tool comprising a handle (1) with a housing having a first and second opposite ends. A mechanical reciprocator (2-9) is located in the handle. There is a hollow elongated shaft (16) having a proximal and distal end wherein the proximal end is connected to the second opposite end of the housing. A squeegee (fig. 7) is connected to the shaft by means of a connector rod (14). The connected rod is located inside the shaft wherein one end of the rod is connected to the reciprocator and the other end is connected to the squeegee head. There is a power supply (2) to drive the mechanical reciprocator. The power supply is connected to the reciprocating means via a re-coiling power line. The mechanical reciprocator causes the squeegee head to reciprocate between a first position and second position. Nichols teaches all the essential elements of the claimed invention however fails to teach a cleaning fluid delivery tube attached to a sprayer

member. Additionally, Nichols fails to teach a 55-gallon drum to hold the cleaning fluid and Nichols also fails to teach a 14-gauge wire connecting the power supply and the reciprocating means.

Burr teaches a window cleaning device comprising a squeegee and a cleaning fluid supply line attached to a sprayer. The cleaning liquid is stored at a remote location in a reservoir. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a sprayer to the window cleaner of Nichols such as the one taught by Burr so as to increase the cleaning capabilities of the Nichols window cleaner.

With regards to the reservoir, Burr is silent as to the size of the cleaning liquid reservoir however it would have been obvious to use a reservoir that held 55 gallons of cleaning fluid since changing size is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Rose*. 105 USPQ 237, 240.

With regards to using a 14-gauge power line at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to 14-gauge wire because Applicant has not disclosed that 14-gauge wire provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the wire as taught by Nichols or the claimed 14-gauge wire because both wires perform the same function of sending power from the motor to the mechanical reciprocator equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Nichols to obtain the invention as specified in claim 11.

Claims 6-8, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Burr et al. as applied to claim 5 above and yet further in view of Kenney et al. (USPN 6367658).

Nichols in view of Burr teaches all the essential elements of the claimed invention however fails to teach a timer and a money receiving means. Kenney teaches a windshield washer fluid dispensing system comprising a coin/credit receiving means. Money is inserted into a slot and windshield wiper fluid is dispensed for an allotted amount of time. The fluid is pumped from the reservoir to the spray member. The pump, timer and power supply are all located in a housing. The pump and timer are located in separate housing than the power supply. The power supply is located in the handle housing. It would have been obvious to use the timer and money-receiving means as taught by Kenney on the invention of Nichols in view of Burr so that the power and the amount of fluid used can be regulated during each use.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Burr et al. as applied to claim 5 above and yet further in view of Peterson (USPN 6715692).

Nichols in view of Burr teach all the essential elements of the claimed invention however fail to teach that the fluid supply line that connects the container to the spraying means is recoiling hose. Peterson teaches a dispensing apparatus for dispensing cleaning fluid for washing windows. The containers of fluid are connected to the sprayer by means of a recoiling hose. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a recoiled hose thus saving space. A recoiled hose takes up less space than a non-coiled hose. Also a recoiled hose prevents kinks or tangling from occurring.

With regards to the limitation that the container is a drum capable of holding 55 gallons of cleaning fluid, Nichols in view of Burr as well as Peterson are silent as to the size of the cleaning liquid reservoir however it would have been obvious to use a reservoir that held 55 gallons of

cleaning fluid since changing size is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Rose*. 105 USPQ 237, 240.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb  
11/16/04

*Robert J. Warden, Sr.*  
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